UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,130	07/29/2003	David C. Steere	50037.187US01	6703

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EXAMINER
REYES, MARIELA D

ART UNIT	PAPER NUMBER
2167	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/630,130	STEERE ET AL.
	Examiner	**Art Unit**	
	Mariela D. Reyes	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 July 2003_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-17_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-17_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _29 July 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _03/20/2006_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

According to the Interim Guidelines presented in the MPEP 2106.1

When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored in a computer-readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory. See Diehr, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in Benson were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer."). Such a result would exalt form over substance. In re Sarkar, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978) ("[E]ach invention must be evaluated as claimed; yet semantogenic considerations preclude a determination based solely on words appearing in the claims. In the final analysis under § 101, the claimed invention, as a whole, must be evaluated for what it is.") (quoted with approval in Abele, 684 F.2d at 907, 214 USPQ at 687). See also In re Johnson, 589 F.2d 1070, 1077, 200 USPQ 199, 206 (CCPA 1978) ("form of the claim is often an exercise in drafting"). Thus, nonstatutory music is not a computer component and it does not become statutory by merely

A computer-readable medium, having computer-executable components, (Column 5 Lines 38-40 discloses that the implementation of the method can be done by software routines) **comprising:**

A data structure including variable/value mappings; (Column 3 Lines 59-60, discloses that link ID (applicant's value) will be associated with a pathname variable, and that this relationships will be stored in a database)

A pathname resolver configured to identify a variable in a pathname, (Column 3 Lines 59-60, discloses that the pathname will be analyzed to extract the variable associated with the Link ID) **to retrieve from the data structure a value associated with the identified variable,** (Column 6 Lines 27-29, discloses that the table (applicant's data structure) is searched looking for a match between the variable and the Link ID) **and to modify the pathname such that the variable is replaced with the value from the data structure.** (Column 6 Lines 32-35, discloses that the Link ID value is appended to the pathname, therefore modifying it)

With respect to claim 2, Eastep teaches:

The pathname resolver comprises a variable identifier that is configured to identify the variable in the pathname. (Column 3 Lines 59-60, discloses that the pathname will be analyzed to extract the variable associated with the Link ID)

With respect to claim 3, Eastep teaches:

The pathname resolver comprises a pathname engine that is configured to identify the variable by performing the following steps:

Searching for the variable in the data structure; (Column 6 Lines 27-29, discloses that the table (applicant's data structure) is searched looking for a match between the variable and the Link ID)

Accessing the corresponding value; and (Column 6 Lines 29-32, discloses that if a match is found the Link ID (applicant's value) will be accessed)

Inserting the value in place of the variable in the pathname such that the path identifies the location of an object. (Column 6 Lines 32-35, discloses that the Link ID value is appended to the pathname)

With respect to claim 4, Eastep teaches:

The data structure is implemented in a kernel mode of an operating system. (Column 4 Lines 29-31, discloses that the method would be implemented so that the execution of the instructions can be made from system memory, the lowest level of processing, therefore the kernel)

With respect to claim 5, Eastep teaches:

Variable/value pairs are defined in the data structure by a user. (Column 3 Lines 54-61, discloses adding the Link ID's (applicant's values) to the data structure and creating the relationships between the Link ID's and the variables)

With respect to claim 6, Eastep teaches:

Variable/value pairs are defined in the data structure by a context in which the computer-readable medium operates. (Column 3 Lines 54-61, discloses adding the Link ID's (applicant's values) to the data structure and creating the relationships between the Link ID's and the variables)

With respect to claim 7, Eastep teaches:

A computer-readable medium having computer-executable instructions comprising (Column 5 Lines 38-40 discloses that the implementation of the method can be done by software routines):

Receiving a pathname that includes a variable (Column 3 Lines 59-60, discloses that the received pathname will be analyzed to extract the variable associated with the Link ID);

Resolving the pathname by mapping the variable to a corresponding value in a data structure (Column 6 Lines 27-29, discloses that the table (applicant's data structure) is searched looking for a match between the variable and the Link ID);

Returning a handle to an object pointed to by the resolved pathname (Column 6 Lines 32-35, discloses that the Link ID value is appended to the pathname and then the pathname will be used to access the file)**; and**

Expanding the data structure by adding variable/value pairs to the data structure. (Column 3 Lines 54-61, discloses adding the Link ID's (applicant's values) to

the data structure and creating the relationships between the Link ID's and the

variables)

With respect to claim 8, Eastep teaches:

Identifying the variable in the pathname. (Column 3 Lines 59-60, discloses

that the pathname will be analyzed to extract the variable associated with the Link ID)

With respect to claim 9, Eastep teaches:

Searching for the variable in a data structure implemented in the kernel of

an operating system. (Column 4 Lines 29-31, discloses that the method would be

implemented so that the execution of the instructions can be made from system

memory, the lowest level of processing, therefore the kernel)

With respect to claim 10, Eastep teaches:

Inserting the value corresponding to the variable in place of the variable in

the pathname. (Column 6 Lines 32-35, discloses that the Link ID value is appended to

the pathname)

With respect to independent claim 11, Eastep teaches:

A computer-readable medium encoded with an extensible data structure

comprising:

A first field including an identification of a variable included in a pathname; and (Column 6 Lines 26-28, discloses a table storing the inode number (applicant's variable identification)

A second field including a value for the variable, the pathname including the value being operable to point to an object. (Column 6 Lines 26-28, discloses a table that stores Link IDs (applicant's values) and the relation between them and the inodes, the Link IDs pointing to the file to be accessed)

With respect to claim 12, Eastep teaches:

The data structure is stored in the kernel of an operating system. (Column 4 Lines 29-31, discloses that the method would be implemented so that the execution of the instructions can be made from system memory, the lowest level of processing, therefore the kernel)

With respect to claim 13, Eastep teaches:

The data structure is expandable by adding variable/value pairs. (Column 3 Lines 54-61, discloses adding the Link ID's (applicant's values) to the data structure and creating the relationships between the Link ID's and the variables)

With respect to independent claim 14, Eastep teaches:

A computer-implemented method, comprising:

Identifying a variable in a pathname provided by a component requesting access to an object; (Column 3 Lines 59-60, discloses that the pathname will be analyzed to extract the variable associated with the Link ID)

Mapping the variable to a corresponding value in a data structure; (Column 6 Lines 27-29, discloses that the table (applicant's data structure) is searched looking for a match between the variable and the Link ID)

Modifying the pathname by replacing the variable in the pathname with the corresponding value such that the resolved pathname creates a path that points to the object; and (Column 6 Lines 32-35, discloses that the Link ID value is appended to the pathname, therefore modifying it)

Returning to the requesting component the modified pathname. (Column 6 Lines32-35, discloses that the pathname will now be resolved and therefore the modified pathname will be returned)

With respect to claim 15, Eastep teaches:

Receiving a pathname that includes a variable. (Column 3 Lines 59-60, discloses that the received pathname will be analyzed to extract the variable associated with the Link ID);

With respect to claim 16, Eastep teaches:

Searching for the variable in the data structure implemented in the kernel of an operating system. (Column 4 Lines 29-31, discloses that the method would be

implemented so that the execution of the instructions can be made from system memory, the lowest level of processing, therefore the kernel)

With respect to claim 17, Eastep teaches:

A computer-readable medium with computer-executable instructions for performing the method of claim 14. (See Rejection for claim 14)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariela D. Reyes whose telephone number is (571) 270-1006. The examiner can normally be reached on M - F 7:30- 5:00 East time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR   feb 28, 2001

DL

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